

KLAMATH RIVER NEWS

a publication of **KLAMATH RIVERKEEPER.**

Summer 2008

INSIDE

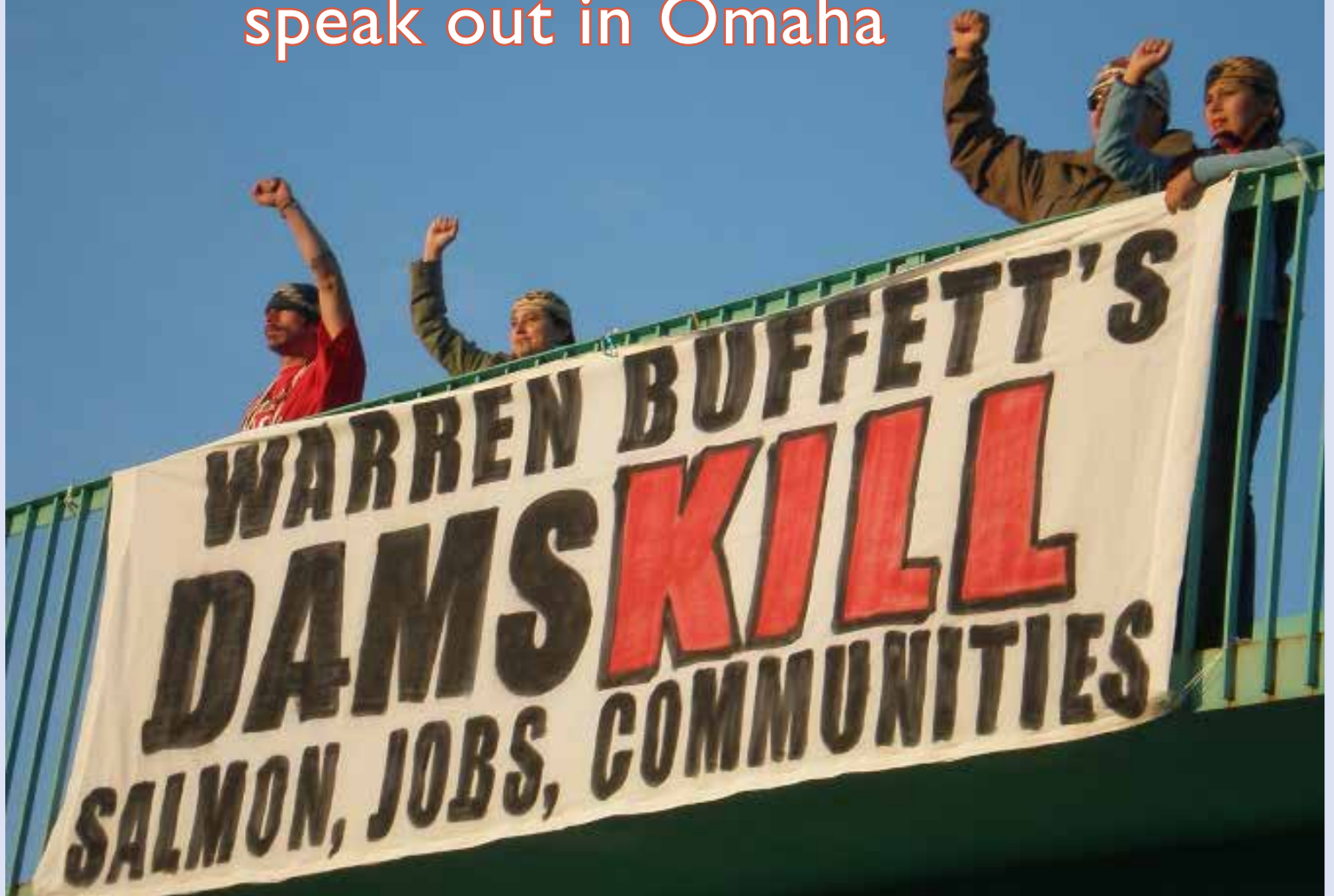
KRK wins toxic algae cases

Warren Buffett 2008

Forests for fish

Un-Dam the Klamath!

Tribes & fishermen
speak out in Omaha



Klamath Riverkeeper Regina Chichizola shows Klamath River water polluted with toxic algae to reporters at a press conference in Omaha, Nebraska at Warren Buffett's Berkshire Hathaway shareholders meeting.



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Mission

Klamath Riverkeeper's projects and campaigns restore water quality and fisheries on the Klamath River, bringing vitality and abundance back to the river and its people. We are committed to making the Klamath fishable and swimmable again, and to working with all people who need clean water and healthy fisheries in the Klamath watershed.

Waterkeeper Alliance

Klamath Riverkeeper is a local organization affiliated with the international Waterkeepers Alliance. A grassroots advocacy network with over 170 members, Waterkeepers Alliance connects and supports local Waterkeepers to provide a voice for waterways and their communities worldwide.

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Cover photo: From left to right: Chook-Chook Hillman, Annalia Norris, Frankie Myers and Seafha Blount stand above a banner they hung over a freeway overpass in early May after their protest at the Berkshire Hathaway meeting. Photo by Klamath Salmon Media Collaborative.

Klamath River News is printed on 100% post-consumer recycled Sakura paper.

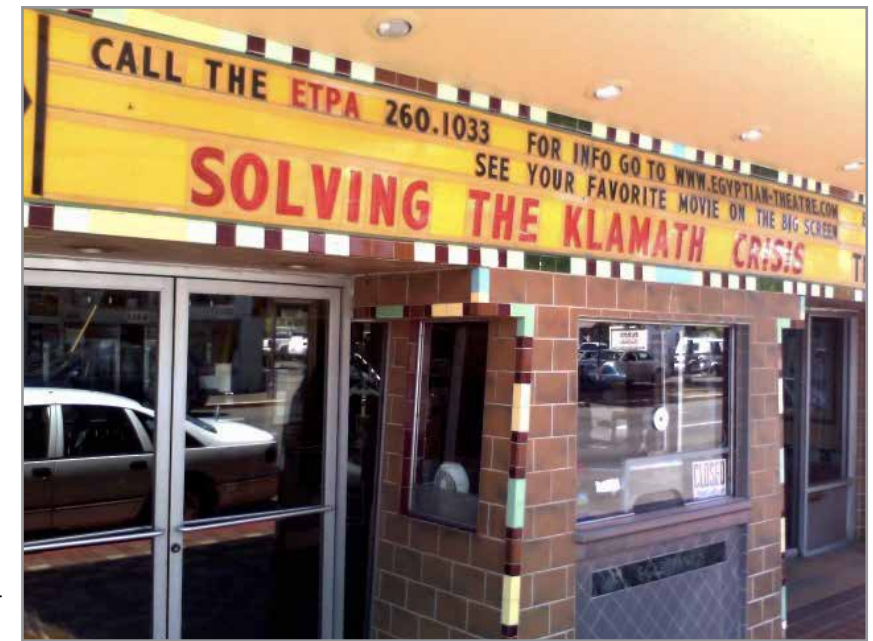
Keepin' up with Klamath Riverkeep-

WELCOME NEW STAFF

Thanks to bookkeeper **Evelyn Roether's** superb administrative skills, our office is operating smoothly and efficiently. Evelyn is the former coordinator of the Williams Watershed Council and a top-notch grantwriter and administrator. Author of the Williams Area Trail Guide, she homesteads 40 acres with her husband and enjoys gardening, hiking, rafting and travelling. Thanks also to Dave Levine for easing our administrative transition!! We're also welcoming **Georgianna Myers**, who will be contracting with KRR to coordinate our new **Empowerment Project** aimed at engaging Klamath communities in actively restoring the Klamath River. Georgianna is a Yurok Tribal member who teaches the Yurok language at Weitchpec Elementary.



Solving the Klamath Crisis headlined to a crowd of 100 people in Coos Bay's historic Egyptian Theatre. Above - Evelyn Roether.



KLAMATH CITIZEN SCIENCE KRR is moving forward with plans for *River People*, our volunteer monitoring program. We've started establishing partners in the upper Basin and beyond, and have developed a program plan. Now we're recruiting volunteers (maybe you!!) and funding for the program. In the meantime, **we're looking for more Klamath Riverkeepers** to help us out by "adopting" their local tributary or stretch of river. As proud parents, your responsibilities include keeping an eye out for potential water quality problems, and helping us document them when they arise. Contact us for more info.

T-SHIRTS, HOODIES, & TOTES! Make a stylish statement with our new organic cotton hooded sweatshirts, or un-dam the Klamath



at the farmer's market by packing your produce in our organic cotton tote bags. Along with our t-shirts, buying these items spreads the word while supporting the river. Call us or check klamathriver.org to get your own.

OREGON COAST TOUR A SUCCESS

Un-Dam the Klamath went on the road in April with an outreach tour on the Oregon Coast. Co-sponsored by the Karuk Tribe, KRR showed the film *Solving the Klamath Crisis: Keeping Fish and Farms Alive* in Astoria, Newport, Coos Bay, and Brookings. The tour trailed a mailer to all of PacifiCorp's customers on the Oregon Coast, who were targeted because they could be doubly impacted by the Klamath dams: first through decimated salmon runs, then through increased power rates if PacifiCorp chooses the more expensive option of keeping the Klamath dams. Highlights along our tour included excellent locally-caught seafood and words of encouragement from the staff at **Local Ocean restaurant in Newport**, as well as a stop at the **Port Orford Ocean Resources Team** office, where commercial fisherman and founding director Aaron Longton had this to say about the Klamath dams: "I'm not

afraid to say it. I'll tell anyone! Those dams have to come down." Aaron has collected 400 signatures from Port Orford - a town of 1200 people - calling for Klamath dam removal.

RIVER OF RENEWAL

Playwright and author **Stephen Most** screened a first draft of his film *River of Renewal* as a fundraiser for KRR this spring. Full houses at Ashland's **Nuwandart Gallery** and Mt. Shasta's **Stage Door Cafe** supplied feedback and spawned great discussion about restoring the Klamath. Thanks to members of the **Shasta Resource Conservation District** for coming out, as well as to **Blue Moon Bed & Breakfast** in Ashland for co-sponsoring Stephen's visit. The final version of *River of Renewal*, the movie, is due out this summer. *River of Renewal*, the book, is available from Klamath Riverkeeper.

SALMON AID UNITES FISH PEOPLE

KRR was proud to co-sponsor the first ever Salmon Aid Festival in Oakland, CA this spring. A tour de force of fishermen and other pro-salmon groups jammed to rockin' local bands and educated curious Bay Area citizens. Our hats are off to commercial fisherman **Mike Hudson** and other salmon supporters for turning a devastating fishing closure into a lively call to action. Let's work hard to make sure we have more to celebrate at next year's Salmon Aid!

Left - Murkie Oliver cooks fish the traditional way - on redwood sticks over an open fire - at Ocean Beach in San Francisco at the kickoff to last month's SalmonAid Festival in Oakland. Photo by Dan Bacher. Right - Aubyn and Rowan Heglie sport Un-Dam the Klamath T's on a family vacation to Mono Lake.

UN-DAM THE KLAMATH WITH US!

Will power and water politics be the end of the United States' wild Pacific salmon?

Throughout California and Oregon decisions relating to power and water are becoming increasingly politicized. As Pacific salmon, and the industries supported by them, slide into extinction, power giants like PacifiCorp use public processes to kill solar projects, while claiming they are green. Large irrigation districts make water grabs for the Sacramento and Trinity Rivers, then blame ocean conditions when salmon runs crash. Large liquefied natural gas companies propose pipelines through our rivers, and threaten to use eminent domain to run them through private property. It seems that corporations have the only say in public policy. Klamath Riverkeeper is committed to taking this power back.

Is this land your land?

How do our public agencies and representatives react to the issues that threaten the survival of both salmon and communities? Even though the majority of California's water is used by agriculture, California's Governor proposes to build more dams and increase water exports to Southern California when efficient water usage could do the job. The Federal Energy Regulatory Commission (FERC) has recommended relicensing the Klamath dams without mandated fish ladders though thousands asked for dam removal, which is cheaper than relicensing. FERC will also likely rubber stamp the statewide LNG pipeline in Oregon at a time when salmon and rural communities could not be more threatened.

Power to the people?

While these decisions are being made, the West Coast salmon continue to go extinct. This year is the second year of the last three that salmon fishermen will not be working because of poor energy decisions, and water policies that date back to the days of the "Wild West."

"The time to take back the power and restore our salmon runs is now, and we're asking for your

The states of California and Oregon have a choice to make: Clean water and healthy salmon-based economies, or polluted, unusable rivers. It is time for a change and Riverkeeper is committed to working with you to make it happen. FERC is made up of presidentially-appointed industry representatives who rubber stamp power projects. Water rights for large, inefficient farms were awarded at the turn of the twentieth century to encourage settlement. However recent Supreme Court case law suggests that states can regulate energy projects, water rights can be reviewed, and Public Utility Commissions can say no to making ratepayers pay for uneconomic decisions.

Taking the power back: Challenging the West's most destructive power company

On the Klamath, we still have the chance to restore our watershed and salmon runs. This summer the state Water Board in California and the Department of Environmental Quality (DEQ) in Oregon have the chance to say no more to the Klamath dams. The PUC's in Oregon can say no to rate increases needed to keep the dams, and to PacifiCorp's petition to limit Oregon's solar usage. The time to take back the power, and restore our salmon runs is now, and we're asking for your help.

In Omaha Klamath Riverkeeper joined impacted communities to speak truth to power to the world's richest man. Our message was no business as usual for PacifiCorp while there is no business as usual on the Klamath.

This summer and fall we need you to join us. Please consider making a tax-deductible membership donation, becoming a business sponsor, or including us in your will or estate planning. We can not wait another 50 years for energy justice on the Klamath River.

For the Klamath,
Regina Chichizola
Klamath Riverkeeper

Right - Klamath Native women demonstrate outside a department store cocktail party, attracting the attention of the media and Berkshire shareholders. Below - Yurok Tribal Council Member Richard Myers asks PacifiCorp to negotiate with the Tribes of the Klamath River. Photos from the Yurok Tribe and the Klamath Salmon Media Collaborative.



After a pointed probe from Klamath Riverkeeper Regina Chichizola, Sokol acknowledged the existence of toxic algae, but dismissed the role of the dams in creating the algae and blamed the high nutrient load in the river on Klamath Basin agriculture. “We aren’t polluting the river,” emphasized Sokol. “We aren’t adding anything to the river when it comes out of Oregon.” Chichizola noted that toxic algae isn’t found in the upper basin, only in PacifiCorp’s reservoirs and river below the dams. “The science demonstrates that toxic algae blooms are created in

“The story I have to tell is that of an out-of-work commercial fisherman. Buffett spent a lot of time explaining what he couldn’t do for us. I wanted to ask the richest man in the world what he could do for us.”

into and out of the event. “Wealthy women come here to shop for their jewelry,” said Georgianna Myers. “Wealthy women from the Klamath River make our jewelry from the plants that grow along the river banks and the shells of mussel and abalone. Now the river is so polluted from Buffett’s dams we are worried about harvesting the plants we need for our jewelry and regalia.” The women drew chalk body outlines on the sidewalk to demonstrate how dams kill fish, communities, and jobs.

The two protests were preceded by a press conference featuring Leaf Hillman, Richard Myers, Regina Chichizola and Dan Bacher. Hillman gave a historical perspective on the Klamath River dams – PacifiCorp’s history of breaking its promises to Klamath Basin residents. “The first of the PacifiCorp dams was built on the river in 1916,” said Hillman. “This stopped the migration of salmon to the upper Basin that the Klamath Tribes depended upon for thousands of years. PacifiCorp told their first lie - that they would provide access over the dam to migratory fish - when they applied for their first license. Since that time, the company has constantly acted in bad faith.”

After the group returned home to northern California, tribal

TRIBES & FISHERMEN SPEAK TRUTH TO POWER AT BUFFETT’S MEETING

Early last May, Klamath fishermen and Tribal members stepped up to the microphone to deliver a message to Warren Buffett, the world’s richest man, in a packed convention center including Bill Gates, the world’s second richest man, and a crowd of 31,000 Berkshire Hathaway shareholders. Their message to Buffett and his executives? **“As long as there is no business as usual on the Klamath, there will be no business as usual for [Buffett], Mid American Energy, or PacifiCorp,”** said Karuk Vice-Chair Leaf Hillman. Story by Dan Bacher and Malena Marvin

“It WAS THE MOST EMPOWERING MOMENT of my life,” Georgianna Myers would later tell a newspaper reporter of her experience confronting Buffett on his own turf. A Yurok language teacher at Weitchpec Elementary, Myers was escorted out of Buffett’s meeting after silently presenting a banner with Yurok Tribal member Annalia Norris. Tribal members, fishermen, and Klamath Riverkeeper got in line at 2 am on a cold, rainy night to ensure they would get a chance to address Buffett directly at his 2008 Berkshire Hathaway Shareholders meeting in Omaha, Nebraska.

For over five years, Tribes, fishermen, and conservationists have been demanding the removal of four Klamath River dams owned by Berkshire subsidiary PacifiCorp. The dams have blocked salmon from 300 miles of habitat for 90 years, creating massive blooms of toxic algae, and contributing to a 90% reduction in wild salmon on the Klamath.

The question and answer session at Omaha’s Qwest Center was one event in a week long Berkshire shareholders extravaganza dubbed the Woodstock of Capitalism. With in-your-face actions and tactics, Klamath people made shareholders, the media, and the public aware of Buffett’s role in maintaining fish-killing dams on the Klamath – and

vowed to keep demonstrating at Buffett’s meetings until he signs an agreement to remove the dams. Although Buffett rebuffed the Klamath delegation just like he did at last year’s meeting, this year’s actions made the Klamath River the largest single issue addressed at the meeting.

CHOOK-CHOOK HILLMAN, A 23-YEAR OLD KARUK WORLD Renewal Priest (Fatawana), spearheaded the Qwest Center strategy and was the third person to speak at the meeting. After introducing himself in the Karuk language, he challenged Buffett by saying, “as a European-American you are the visitor in our country... will you not meet with the native people impacted by your fish-killing dams... You say you want to address poverty and disease in the third world. But you are creating those same third world conditions right here in America. We want to meet and resolve the issue in a way that saves you money and saves our culture!” Chook-Chook then presented a dam removal agreement.

Buffett briefly commented on how he was powerless to address the issue and then passed the question off to Mid American CEO David Sokol, who echoed that “it would be inappropriate for Buffett to comment on Klamath relicensing.” The two repeated a variation of this response as each of the Klamath delegation posed their questions.

Buffett’s reservoirs when the water is warm and stagnant during the summer,” she said.

After the lunch break, Buffett, clearly upset about the questions asked him, said that he would not field any more questions about the Klamath. Commercial salmon fishermen Dave Bitts, Karuk fisherman Ron Reed, and Karuk Medicine Woman Cathy McCovey were denied access to the microphones despite being next in the cue to speak. Bitts, who had to navigate around a snowstorm in Denver to make the meeting, was clearly disappointed and angry. “I traveled over 3000 miles to be here and woke up at two o’clock in the morning to speak - then I was told I couldn’t speak,” said Bitts. “The story I have to tell is that of an out of work commercial fishermen. Buffett spent a lot of time today explaining what he couldn’t do for us. I wanted to ask the richest man on the planet what he could do for us.” Yurok Tribal Council member Richard Myers said, “Everyone has had a chance to sit at the table and work with the tribes towards a resolution. There is one empty chair left. We are waiting for PacifiCorp to take a seat.”

Outside the meeting, members of the Chippewa, Omaha, Lakota Sioux, Rosebud Sioux, Cheyenne and other Indian Tribes stood in solidarity with members of the Klamath River Tribes and fishermen, holding banners and signs demanding that Warren Buffett agree to dam removal.

ON THE NIGHT BEFORE, A GROUP OF NATIVE WOMEN FROM the Klamath River Basin Tribes, dressed in traditional jewelry and regalia, staged a protest during a shareholders’ cocktail party at Buffett’s local diamond retail store Borsheims. The group unfurled a huge banner demanding dam removal, and passed out leaflets to the shareholders as they walked

members and fishermen declared the trip a success. “Now we return home having accomplished our mission,” said Karuk Tribal Member Jess Mcloughlin who was involved in erecting the banners. “We sent a clear message to Buffett, Sokol and every other executive involved that as long as there is no justice on the Klamath, there will be no peace for them.”



ONE DISTINCT DIFFERENCE BETWEEN this year’s and last’s years protests was the increasing awareness by the shareholders of the Klamath River dams issue. A number of shareholders expressed support for dam removal advocates. “I want to thank the people who spoke at the meeting for educating the shareholders about the problems with the Klamath River dams,” said Joan Mersch, a shareholder from Menlo Park, California. “I think more people need to be educated about this issue. I appreciate what you’re doing.”

The group vows to disrupt Berkshire-Hathaway meetings around the country until Buffett agrees to remove the Klamath dams. “We came here last year and we will keep coming back to Omaha every year until Buffett signs a dam removal agreement,” concluded Molli White, a Karuk Tribal member from Orleans, CA.

The group’s next step is a Day of Action in Portland, OR demanding dam removal from PacifiCorp on September 18th, 2008. More at <http://PacifiCorpDayofAction.org>.

Toxic Algae Up-



Aerial panorama of Iron Gate Reservoir and distribution of the toxic algae *Microcystis aeruginosa* on August 26, 2007. Water is flowing west, or towards the left of the photo. This panorama is a composite of 15 images taken and stitched together by Thomas Dunklin. No color modifications were made to enhance the "neon-green" color of the lake. More aerial photos of Klamath algae blooms are at www.thomasbdunklin.com.

WARNING: Reservoir fish are hazardous to your health!

Iron Gate and Copco anglers may soon be greeted with a similar warning, if state agencies follow the recommendations of a report released this April showing toxic algae is now bioaccumulating in the flesh of reservoir fish.



The study looked at yellow perch fillets commonly eaten by reservoir anglers, as well as downriver mussels used by Tribal people as a traditional food source. All samples collected were found to exceed public health toxicity guidelines, and some even exceeded "acute" thresholds - meaning they were toxic enough to make an adult sick after one serving.

The report used analyses performed by state agencies with funding from the US EPA and recommended public health advisories warn against ingestion of fish and mussels affected by toxic algae. While PacifiCorp's reservoirs and 190 miles of the Klamath have previously been posted as toxic to recreational contact, state agencies have never warned people that eating fish may also cause algae-related sickness.

The report can be downloaded at www.klamathriver.org. **Kann, Jacob. 2008. Microcystin Bioaccumulation in Klamath River Fish and Freshwater Mussel Tissue: Preliminary 2007 results.** Native people had fished one hundred miles or more downstream of PacifiCorp's reservoirs.



KLAMATH RIVERKEEPER FORCES EPA TO LIST ALGAE Legal victories make it harder for PacifiCorp to relicense Klamath

KLAMATH RIVERKEEPER WON A MAJOR CONCESSION this May from the Environmental Protection Agency related to the toxic algae created by PacifiCorp's reservoirs. In the wake of litigation filed by Klamath Riverkeeper, the agency reversed a prior decision and designated sections of the Klamath River as impaired by toxic algae. The reservoirs created by PacifiCorp's dams are the origin of the blooms of the toxic blue green algae *Microcystis aeruginosa*, a liver toxin and known tumor promoter. "Given the fact that the concentration of algal toxin exceeds international safety standards by as much as 4,000 fold, we could not believe that the EPA failed to act. We hope this signals a commitment by the agency to stop PacifiCorp's toxic pollution of the Klamath River and that it will ultimately drive another nail in the coffin for PacifiCorp's dams," said Regina Chichizola, the Klamath Riverkeeper.

THIS LAWSUIT WAS ONE OF TWO MAJOR legal wins by Klamath Riverkeeper, Tribal religious leaders, and commercial fishermen over PacifiCorp's toxic algae. The coalition also successfully challenged California's State and Regional Water Boards' decision not to issue a Waste Discharge Permit for toxic algae released from the dams. The state agencies had previously declined to issue the permit saying the Federal Power Act superceded their ability to regulate the dams. In a ruling that may have repercussions for similar cases throughout the state, a California Superior Court Judge ruled in May of this year that the agencies do in fact have the power to regulate water quality associated with the dams. The Executive Director of the Water Board then told the press that state regulation of PacifiCorp's pollution could mean the dams have to come out, for lack of another effective way of ad-

ressing the problem.

THESE LEGAL VICTORIES HAVE ARRIVED AT A CRITICAL TIME. PacifiCorp's dams are in the final steps of a federally mandated relicensing process. In order to get a new operating license from the Federal Energy Regulatory Commission (FERC), PacifiCorp must first pass a clean water process, known as "401" certification, from the states of California and Oregon. The listing of the reservoirs and river as impaired by toxic algae, and the issuing of a Waste Discharge Permit, could doom PacifiCorp's clean water permit applications. FERC cannot relicense the dams without 401 certification. **Check www.klamathriver.org for up to date information on the status of these hearings.**

THE COURT VICTORIES WILL INITIATE STATE regulation of toxic algae on PacifiCorp's reservoirs, meaning pollution reduction plans known as Total Maximum Daily Loads, or TMDLs, will need to be developed and enforced as stipulated by the Clean Water Act. Unfortunately, the EPA chose not to list the Klamath River below the dams as impaired by the algae, meaning downriver communities and tribes will continue to suffer the public health, ecological, and economic consequences of the algae with no recourse to pollution regulation. Last year, releases of toxic algae from the reservoirs into the river turned the Klamath neon green during the peak of the Klamath River fishing season and Native Tribes' ceremonies. The toxic releases led state agencies to post 190 miles of the Klamath River with signs urging the public to avoid contact with the water and were a major blow to the remote Klamath's rural economy. These releases and reservoir and river closures are likely to continue this summer, with added warnings about ingestion of

reservoir fish and downriver mussels (see sidebar).

As long as toxic algae continues to threaten public health and the rural economy, Klamath Riverkeeper is committed to keeping it in the courtroom. Last year Robert Kennedy Jr. and Joseph Cotchett filed a public nuisance case on behalf of Klamath residents and Klamath Riverkeeper members. If successful, the suit could demand tens of millions of dollars in damages from PacifiCorp, adding dramatically to the dams' currently dire economic woes. Klamath Riverkeeper is now working hard to ensure that this high profile case is successful as it goes to jury trial.

MICROCYSTIS AERUGINOSA IS A SPECIES OF BLUE-GREEN algae, or cyanobacteria, that releases a toxin called microcystin as it decomposes. Microcystin can cause rashes and skin problems upon contact, and can lead to more serious health problems when ingested, like liver disfunction and tumor growth. While *M. aeruginosa* is native to the Klamath, it has vastly increased in quantity in the artificially warm and stagnant habitats associated with PacifiCorp's reservoirs, and does not bloom in the Upper Klamath Basin or in free flowing water.

PacifiCorp did not acknowledge any health issues with its algae blooms until the Karuk Tribe performed independent water quality analyses showing phenomenally toxic concentrations with a high risk of harming pets, children, and adults. The public health disaster caused by these dangerous algal blooms has subsequently caused many people on the Klamath to speak out against the corporation, owned by Warren Buffett. "PacifiCorp has become the most destructive power company in the West," noted Leaf Hillman, vice chairman of the Karuk Tribe and dam removal advocate. "Their dams have brought the third greatest salmon river in America to its knees. Their coal plants are putting over 80 million tons of carbon into our air. It's time we hold Warren Buffett and PacifiCorp accountable for their impacts to our environment and our communities."

For action alerts, YouTube videos, photos, scientific studies and other

PacifiCorp withdraws California clean water permit for dams; continues talks with Feds

PacifiCorp officially withdrew a California "401" clean water permit application for its Klamath dams on July 11th, delaying a key regulatory process that could have resulted in a recommendation for Klamath dam removal. Clean water hearings on the dams were set to begin July 22nd in Sacramento, and state officials claimed it was unusual for a party to withdraw an application for this mandatory permit without quickly resubmitting a new one.

The withdrawal came after a statement from the government and PacifiCorp to Klamath settlement stakeholders indicating ownership of the dams may be transferred to a federal agency. The settlement agreement cannot move forward without an agreement on dam removal.

Regina Chichizola said that "Klamath Riverkeeper tentatively supports the negotiations between PacifiCorp and the feds, but we don't see how withdrawing the permit helps the situation. Dam removal was an option within the public process surrounding the permit application." Other parties have raised questions about taxpayers footing a bill for dam decommissioning that rightfully belongs to PacifiCorp.

Chichizola also points to PacifiCorp's pattern of delaying the Federal Energy Regulatory Agency's relicensing process for the dams. "This is part of PacifiCorp's strategy of using stalling tactics to continue breaking environ-

mental laws with impunity, with nothing less than the future of Klamath salmon at stake."

The terms of the hydro-power negotiations are not public as of late July, but it is likely that PacifiCorp will have to resubmit its clean water permit application to the state of California regardless, again triggering public hearings and a chance for the public to submit comments. Please watch our website and sign up for the Klamath River eNews to find out when and where the hearings will be rescheduled.

Salmon fishing closures force change... hopefully

In case you missed it, the Pacific coast was entirely closed this year to commercial salmon fishing for the first time in the history of our country. This year's full closure, prompted by poor Chinook returns up the Sacramento, follows the Klamath-spurred partial closure in 2006, and signals a new era in Pacific salmon management.

As fishermen struggle to adjust to a new life without salmon, the Bush administration is trying to axe \$70 of \$170 million in disaster relief allotted for the fishing community. A group of western Representatives called the move "unconscionable," pointing out in a letter to Bush that "this proposal is especially egregious when you consider that your administration's water policies on all of the Pacific Northwest's major salmon rivers are the reason this disaster funding is needed in the first place." The representatives noted that three different courts have found the administration's water plans for the Sacramento, Klamath and Columbia/Snake Rivers to be illegal and in violation of the Endangered Species Act. "These failed policies have resulted in over 80,000 dead adult



Don't be fooled by the blue sky, PacifiCorp has put an end to win-win municipal solar projects in Oregon, like this one at an Oregon police dept.

salmon in the Klamath River, record low returns to the Sacramento and Columbia/Snake River systems, two fishery disaster declarations issued by the secretary of commerce and two years of fishing closures impacting thousands of families and small businesses," the letter continued.

The bill is expected to fail before strong bipartisan opposition in Congress.

While the fishery closure is devastating to communities, many fishermen prefer it to a partial closure. It will be cheaper for fishermen to let boats rest this season than to fully outfit them and not pull in a catch large enough to cover expenses. Further, many feel that the full closure is serving as a wake-up call to the public and government, and may ultimately contribute to an expedited effort to save wild Pacific salmon, and the communities who depend on them, from extinction. -Malena Marvin and Dan Bacher

NOAA Fisheries doesn't go with Bureau's flows

In a long-awaited review, NOAA Fisheries contended this June that the Bureau of Reclamation's plan for Klamath water flows will send Klamath coho salmon on a path to extinction.

NOAA's draft "Biological Opinion" of the Bureau's "Biological Assessment" says that higher flows are needed for inundation of spring coho rearing habitat. Coho are the only Klamath salmon species currently listed under the Endangered Species Act, a fact that mandated this consultation with NOAA scientists before BOR could go ahead with its proposed flows.

Coho young mature in off-channel pools and tributaries, which are the first to dry up as river levels decline. High spring flows also serve as "salmon super highways" for yearling coho making their migration to the ocean.

The draft biological opinion, which underwent three separate peer reviews, does not provide any numbers on water releases needed to prevent coho extinction on the Klamath. The final biological opinion is expected later this year.

How does the Bureau's Biological Assessment relate to the flow regime outlined in the Klamath Restoration Agreement? Unclear, though it's likely that Settlement flows, if ratified, could trump BOR's proposed flows, triggering a new Biological Opinion from NOAA.

Klamath fish are worth more than gold!

With the price of gold sky high, hobby gold miners are coming out of the woodwork to suction dredge the Klamath and its tributaries. Suction dredgers suck up river bottom spawning habitat indiscriminately, filter it for gold particles, then release the sediment in a muddy mess that renders entire river reaches inhospitable to fish.

In the words of fishery biologist Dr. Peter Moyle of the University of California at Davis, "Suction dredging represents a chronic unnatural disturbance of natural habitats that are already likely to be stressed by other factors and can therefore have a negative impact on fishes that use the reach being dredged. All anadromous fishes in the Klamath basin should be considered to be in decline and ultimately threatened with extirpation. Suction dredging, through a combination of disturbance of resident fish, alteration of substrates, and indirect effects on heavy human use of small areas, especially thermal refugia (side creeks), will further contribute to the decline of the fishes." Dr. Moyle recommends that suction dredging be banned on many reaches of the Klamath and its tributaries. A bill that would have imposed such restrictions passed in the California legislature but was vetoed by the 'Fish Terminator', Gov. Schwarzenegger. The Karuk Tribe, Klamath Riverkeeper and others are still pressing for protection of the Klamath against hobby mining.

PacifiCorp attacks Oregon solar energy industry

In a move that blindsided Oregon's burgeoning solar energy industry, PacifiCorp filed a legal challenge this June that has stopped the state's solar projects cold.

PacifiCorp asked the state to formally consider whether "third-party" solar deals are legal, in the process halting all such projects until a finding is reached by the Oregon Public Utilities Commission. No other utility, including Portland General Electric, has a problem with the practice, and no other state has questioned its legality.

The legal filing, opposed by the solar industry, renewable energy groups, and such radical groups as the League of Oregon Cities and the Oregon Department of Transportation, again puts into question PacifiCorp's environmental priorities.

The legal challenge impacts 80% of the state's commercial solar projects, curtailing over 13 megawatts of new projects currently underway in Oregon, which is more than double the amount of solar already installed in the state.

"With rising fossil fuel prices and the threats from climate change, we should be using our energy to eliminate, not create, barriers to solar energy investments," said Jason Eisdorfer, energy program director for the Citizens' Utility Board of Oregon, in a June press statement.

Solar advocates are depending on the Oregon Public Utilities Commission to confirm this summer that third-party solar projects are in fact legal as currently practiced, and should proceed as planned.

ODFW plans for salmon above Klamath dams

Whether or not PacifiCorp removes its dams, they face a federal mandate to get sea-going fish into the upper Klamath Basin. The Oregon Department of Fish and Wildlife is taking this mandate seriously with an amendment to its Klamath River Basin Fish Management Plan. The amendment, released for public comments this April and approved by the Oregon Fish and Wildlife Commission this July, recommends manual re-introduction of Chinook into Upper Klamath Lake, and a hands-off approach, or "natural recolonization" with all other anadromous species.

Now representatives of ODFW, Cal Fish and Game, the US Fish and Wildlife Service, NOAA Fisheries and all four Klamath Native Tribes will work on implementation of the plan.

The Klamath Justice Coalition
Presents the First Annual
**PACIFICORP
DAY OF ACTION**



Thursday, September 18th, 2008
Portland, Oregon

KJC invites the public to meet at Holladay Park at the corner of NE Multnomah and 11th St. downtown. The group will march to PacifiCorp's headquarters for a rally featuring speakers from Tribal, fishing, and conservation communities.

The Klamath Justice Coalition is a group of Klamath Basin community activists dedicated to the restoration of the Klamath River and the removal of PacifiCorp's lower four Klamath River dams. For more information contact Georgiana Myers at 707-599-0877, sregonlady@gmail.com.

KJC requests that acts of non-violent direct action or civil disobedience be held on days before or after the march on Thursday the 18th, and that no groups engage in any acts of violence or property destruction. Note that workshops introducing community members to the basic principles of non-violent direct action (NVDA) are being held Wednesday July 23rd in Klamath, CA and Wednesday July 30th in Hoopa, CA. For more details on the trainings or to arrange additional NVDA workshops please email siishtaknurith@yahoo.com.

While most people support bringing anadromous fish back to the Upper Basin, there is controversy about which Chinook stocks are re-introduced, and how quickly. The healthiest remaining wild Klamath spring Chinook are in the Salmon River, but Cal Fish and Game could decide this fragile population is too small to supply the numbers needed for Upper Basin stocking. In this case, the consortium may look at fish from the Iron Gate hatchery or elsewhere. ODFW Klamath Watershed District Biologist Roger Smith said, "It would be my last choice to use non-native stock, but the choice will be made by a group so it's hard to predict the final outcome."

Want more news? Sign up for the Klamath River eNews...

Our twice-monthly compendium of all the latest headlines on the Klamath includes ways to get involved in the issues as well as important announcements about Riverkeeper actions and events. Email malena@klamathriver.org to get on the list.



Suction dredge mining destroys habitat like this Salmon River pool, disturbing already at-risk and threatened salmon species on the Klamath. Photo - KSMC

Forests for Fish by Klamath Riverkeeper

Salmon habitat doesn't end at the streambank

IT TAKES AN ENTIRE WATERSHED TO PROVIDE THE CLEAR, CLEAN WATER salmon need to thrive. On the mid-Klamath, where upslopes are owned largely by the Klamath National Forest (KNF) and a checkerboard of private timber companies, ecologically sound forestry is vital to salmon survival.

Klamath Riverkeeper works with the KNF and the Klamath Siskiyou Wildlands Center to advance timber sales that promote thinning and restoration, rather than salvage logging, in fire-suppressed forests near communities. We've also advocated for decommissioning of unneeded roads in sediment-impaired tributary watersheds, and the return of fire to forest ecosystems. **We strive for a win-win situation in which watershed restoration provides a sustainable flow of wood products, but three emerging issues on mid-Klamath forests could mean a lose-lose for fish.** Read more below.



Photo by George Sexton

1. KNF plans to keep ailing logging roads

Unmaintained, 'temporary' logging roads combined with off road vehicle use spells sediment problems for vulnerable salmon streams caught in the crossfire. Eroded soil and rock particles fill spaces between spawning gravels, choking salmon eggs and killing the next generation of fish. With ORV use on the rise, National Forests are charged with creating Travel Management Plans (TMPs) to limit damage from recreational use of forest roads.

The Orleans district of the Six Rivers National Forest TMP is addressing these issues by removing 200 miles of roads, contributing to an estimated reduction of 145,000 cubic yards of sediment from streams. The Mid-Klamath Watershed Council is working with the agency and private landowners to address road-related water quality issues.

By contrast, the Klamath National Forest plans to remove exactly zero miles of old roads with its TMP, even though the KNF has road densities exceeding 5 miles of road for every square mile of forest. The KNF's decommissioning could deal a hard blow to ESA threatened coho salmon, who traditionally relied on Klamath tributaries affected by the plan, like the Scott River, Beaver Creek and Elk Creek. The Scott River is already listed under the Clean Water Act as impaired by sediment. KRK will continue to advocate for better Travel Management Planning on the KNF, and clean water for Klamath coho.



Unmaintained culverts can lead to streams overtaking roads. Photo by Will Harling.

2. Private timber menaces endangered species

Though they sound friendly enough, Habitat Conservation Plans (HCPs) for private-lands forestry can actually be very harmful for fish and forests. HCPs define how a company will mitigate the impacts of its project and provide the basis for issuing Incidental Take Permits (ITPs), which allow legal killing of species protected by the Endangered Species Act (ESA), like Klamath coho salmon.

Federal agencies are currently reviewing a new 50-year HCP for Fruit Growers Supply Company which owns over 150,000 acres in Beaver, Horse, and Cottonwood Creeks and the Scott and Shasta River watersheds. The plan is under heavy fire from fish advocates for using a controversial "no surprises clause" which allows companies to keep using outdated ITPs for species whose populations significantly decline during the life of the plan. This means that Klamath coho runs currently on the brink of extinction would not get further protections from road building or riparian logging if their threat status elevates to 'endangered.'

Similarly, if declining Chinook or steelhead runs were to be listed under the ESA in the next 50 years, Fruit Growers could continue killing, or "incidentally taking" them at quantities outlawed by the Endangered Species Act. Klamath Riverkeeper has formally commented on the Fruit Growers HCP and will continue monitoring the process to make sure Klamath fish get the protection they are legally entitled.

3. Salvage logging threatens heritage forest watersheds

Peer-reviewed science confirms that post fire logging harms natural recovery and watershed health. In 2006, forest researcher Dan Donato found that salvage logging after Southern Oregon's Biscuit fire had killed tree seedlings and increased fuel loads. Similarly, in 2007 researchers from the Corvallis Forestry Sciences lab found that stands that had been logged and replanted following the 1987 Silver Fire burned more severely in the 2002 Biscuit fire than stands which had not been subjected to salvage logging.



Salvage logging takes legacy trees and leaves fire prone-brush piles. Photo by George Sexton.

Despite these findings, the KNF planned salvage logging sales in the Klamath's Independence and Little Grider watersheds following the region's 2007 summer fires, without utilizing local knowledge to plan for restoration. We were excited to learn that these proposed sales were dropped this July, in part due to the efforts of KRK, the Karuk Tribe, and the Klamath Siskiyou Wildlands Center to protect these steep slopes located above salmon-bearing streams.

As of press time for this newsletter, the 2008 Siskiyou Complex fire had burned 50,000 acres in the Scott River/Shackleford Creek area, and it's likely salvage logging sales will spring up next year in its wake. Klamath Riverkeeper is committed to working with our partners to bring the public out on educational hikes to these burned areas when the smoke has cleared. We'll also tenaciously oppose ecologically inappropriate salvage logging along Klamath salmon streams.

Fish Heroes: A special thanks to the Tribal members who stepped up in

By Regina Chichizola and Craig Tucker

There are many heroes in the Klamath Basin fighting to restore the watershed, but there's always room for more. Indeed, a new generation of heroes emerged on the scene at Warren Buffett's Berkshire Hathaway shareholder meeting this past May. As 30,000 pilgrims made their way to the Mecca of capitalism in Omaha, Nebraska, a group of young and determined members of the Karuk, Yurok and Hoopa Tribes prepared to have the Klamath dams issue dominate the meeting.

In the weeks leading up to the event this group devised strategies to ask questions at the Quest and planned ways to keep media attention focused on the Klamath during the three day 'Woodstock of Capitalism.' This was not a simple task given the fact that thousands of shareholders as well as the international media planned to heap praise on Buffett for his investments. Two of these emerging leaders have agreed to work with the Klamath Riverkeeper and Karuk Tribe to keep these efforts going. We would like to thank Chook-Chook Hillman and Georgianna Myers for agreeing to organize public participation and community actions on the Klamath dams for the summer and fall.

We would also like to thank Richard Myers, Franki Joe Myers, Jess McLaughlin, Dania Rose, Annalia Norris, Catherine Recinas, Raven Celeri, Seafha Blount, and Loren Alvaredo. A special thank you also to Molli Jane White and Leaf Hillman from the Karuk Tribe for handling the travel and budgeting details for the Omaha trips for the last two years, and for supporting and inspiring this group of up and coming community leaders.

It takes a lot of guts to stand up for your self and what you believe in. But it's even more difficult to stand up for your self in front of 30,000 people, hundreds of media outlets and the wealthiest man on the planet. But a group of young people from the Klamath River did just that in grand fashion. As one paper put it, "there where more questions raised about the Klamath dams than dammed credit markets..."

Let's face it, sometimes we feel like we are banging our heads against a wall as we fight corporate power, regulatory agencies that fail to hold polluters accountable, and politicians that only see wealthy donors as their constituents. As headlines are dominated by doom and gloom reports of global warming and extinction of species we are left thinking that the future looks bleak. But if anyone thinks that the future of the Klamath looks bleak, they haven't met the Native youth that are fighting for their river. For more information or to find out how to join in the increasingly inspired movement to Un-Dam the Klamath contact Chook-Chook Hillman at siishtaknurith@yahoo.com or Georgianna Myers at (707) 599-0877 or go to www.klamathriver.org.



Seafha Blount, Lauren Alvaredo, Georgianna Myers, and Molli Jane White wear traditional regalia at a Borsheim's jewelry store cocktail party demonstration during the 2008 Berkshire shareholders meeting.

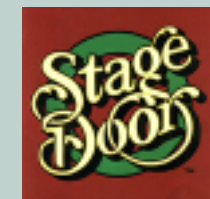
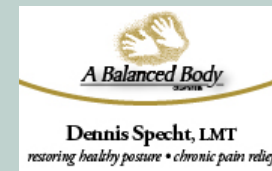
THANK YOU!



Klamath at I-5 by Ken Morrish of Flywater Travel. Donated images from great photographers like Ken Morrish, Thomas Dunklin, Scott Harding and others help us inform and inspire wide audiences about the Klamath River.

Foundations: Compton, Emmitt, Environment Now, Marisla, Resource Legacy Fund, Tides, Wallis, Weeden, Patagonia, Columbia, Goldman
Friends and Volunteers: Local Ocean Restaurant, Blue Moon Bed and Breakfast, Tom Piel, Soms Bar Store, Stage Door Cafe, Stephen Most, Thomas Dunklin, Ken Morrish, Scott Harding Photo, Mads Ledet, Katherine Holden, Dave Levine, George Sexton, A Balanced Body and Dennis Specht, LMT, Ashland Food Co-op, Rogue Flyfishers, Paul Merz, Gervais Day Spa, Phoenix Day Spa, Humboldt Bay Keeper, Columbia Riverkeeper, Mamie Preston and the Native American Student Union at SOU, Lawyers for Clean Water, California Coastkeepers Alliance, Mati Waiya, Luhuiisha and the entire Wishtoyo Foundation, Dan Emmitt & Family, Linda Sheehan, Terry Tamminen, Sandy Bar Ranch, the Waterkeepers Alliance, Molli Jane White, Howard McConnell, Stormy Staats, Shawn Bourque, Solutions in Arcata, Woven Root and Eliam, Chris Wixton, Cotchett, Pitre, and McCarthy, Erica Terence, Santa Monica Baykeeper, Robert Kennedy Jr., Kevin Madonna, Karul Dyer, Chris Sprowl, Dana Rose, Sam and Kari Norgaard-Stroich, Jeff Mitchell, Hallie Pennington, the Klamath-Siskiyou Wildlands Center, Jack Baker, the Karuk Tribe, Black Bear Ranch, Glen Spain, Dianne McGowan, Carol McPherson, the Myers family, Chook-Chook and Leaf Hillman, Steve Fleshli, Marty Aranaydo, Molly Cooper, Molli White, Mike Hudson, Salmon Aid, the Reed family, Analia Norris, Dania Rose, Salmon River Restoration Council, Nebraskans for Peace, and all the Berkshire Hathaway shareholders that were kind to us while we were in Omaha.

Support the great businesses who support us. Does your business want to help restore the Klamath? Send your logo with your donation, and we'll get you into the newsletter and website!



BECOME A MEMBER

The most effective way to show your support for the work of Klamath Riverkeeper is to become a member. You can donate online at www.klamathriver.org, or you can send this form with a check to the address below.

- Salmon Fry - \$25
- Half-Pounder - \$50
- Send me a free t-shirt/tote bag (circle one), my size is _____
- Steelhead - \$100
- Send me the free book *River of Renewal*
- Spring Chinook - \$200
- Send me a free hooded sweatshirt, my size is _____
- Green Sturgeon - \$400
- I want to go rafting with KRK!
- Tributary - \$1000 and up



Scott River and Marble Mountains: ScottHardingPhoto.com

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Your gift to KRK is tax-deductible to the fullest extent allowable by law.

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- Please don't share my contact info
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PO Box 897
Ashland, OR 97520

SAVE the

September 5th - 5-8 pm
Klamath River: Freeing the Waters
First Friday Art Show, Ashland, Or
www.madronaarts.com

September 12th - Time & Place TBA
Un-Dam the Klamath Film Night
Portland, Or

September 18th - 12 pm
PacifiCorp Day of Action
Join Tribes, fishermen and Klamath Riverkeeper for a rally at PacifiCorp's headquarters in Portland, OR.
<http://pacificorpdayofaction.org>

October 17th - 8-10 pm
I Love the Klamath Dessert & Film Night, Ashland, Or - location TBA

October 25th - 8 am - 2 pm
Field trip to the Klamath dams and Upper Klamath Basin
Yummy organic lunch provided!

MORE INFO AT
www.klamathriver.org/events